

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16456 of PrimeHealth Corporation, on behalf of the Embassy of the Republic of Angola, pursuant to 11 DCMR 1001 for permission, under Section 1002, to locate a chancery in an R-5-D District at premises 2100 and 2108 16th Street, N.W. (Square 174, Lots 800 and 806).

HEARING DATE: June 16, 1999

DECISION DATE: June 16, 1999

ORDER

INTRODUCTION

This application was filed by PrimeHealth Corporation on behalf of the Embassy of the Republic of Angola, pursuant to Section 206 of the Foreign Missions Act (Title 11, Public Law 97-241, 92 Stat. 286, August 24, 1982) to locate its chancery at 2100 and 2108 16th Street, N.W. (Square 174, Lots 800 and 806) in an R-5-D District. The application was considered by the Board in accordance with the requirements of Chapter 10 of the Zoning Regulations. Chapter 10 was adopted by the Zoning Commission to implement Section 206 of the Foreign Missions Act. The public hearing was conducted as a rulemaking proceeding under Chapter 33 of the Supplemental Rules of Practice and Procedure before the Foreign Missions Board of Zoning Adjustment.

APPLICATION

The subject site is located on the northwest corner of 16th and V Streets, N.W. and consists of Lots 800 and 806 in Square 174. The property contains approximately 14,100 square feet of land area and is occupied by two four-story buildings that are linked by a two-story connecting building. Both buildings together comprise 32,442 square feet of gross floor area including basement and garage space.

The building located on Lot 800 (2100 16th Street, N.W.) is a four-story plus basement red brick Georgian structure designed by architect George Oakley Totten and built in 1911 as a residence for Supreme Court Justice Charles Evans Hughes. Since 1934, the building has been used for office or institutional use, including the offices of the French Embassy, China Defense Supplies, Inc., the Endion Club, the Bulgarian Chancery, and since 1984 as a medical clinic and a child development center.

The building located on Lot 806 (2108 16th Street, N.W.) was designed by architect William J. Marsh and constructed in 1895 as a residence. It was originally a four-story, Romanesque yellow brick and stone structure and was later coated with stucco in 1912. In recent years it has been used as an apartment house with as many as 14 units. Since 1984 it has been occupied as a medical clinic.

The subject property is rectangular in shape and is bounded by 16th Street, N.W. on the east and V Street, N.W. on the south. The property is zoned R-5-D. Chanceries are permitted in the R-5-D zone pursuant to the Foreign Missions Act, subject to disapproval by the Foreign Missions Board of Zoning Adjustment. The property is located in the 16th Street Historic District, north of the Dupont Circle neighborhood. Much of the area surrounding the subject site is zoned R-5-D and R-5-B, with a relatively small C-2-A District to the southwest of the subject site, including a southern portion of V Street between 16th and 17th Streets, N.W.

The area immediately surrounding the subject property consists of many large, stately apartment complexes as well as row dwellings. To the immediate north of the subject site in Square 174 is the multi-story apartment building known as Washington House. Further north, on the southwest corner of Belmont and 16th Streets, N.W. is the residential townhouse development known as Beekman Place. Across Belmont Street is the Meridian International Center. This facility has different uses, including providing lecture series and seminars, conferences, and social events.

On the east side of 16th Street, north of the subject site, is Meridian Hill Park, a public park under the authority of the National Park Service. Across 16th Street, N.W., to the east of the subject property, is the former Roosevelt Home for Seniors. This large District-owned structure is vacant and the subject of a Request for Proposals. On the southeast corner of 16th and V Streets, N.W. is another apartment building, The Brittany. To the south of the site, row dwellings are located on both 16th and V Streets. West on V Street at the southeast corner of 17th and V Streets, N.W. is the Third District Police Station. A series of row houses are located on the north side of V Street, N.W., to the west of the subject property.

One block south of the subject site, on U Street, N.W., there are many restaurants, bars, markets, and residential uses. Similarly, to the southwest, along 17th Street, there are many restaurants and retail uses together with residential uses.

The Embassy's offices are presently located in leased space in the Sumner-Magruder School office development at 1615 M Street, N.W., between 16th and 17th streets, N.W. The Embassy is the contract purchaser of the subject property and intends to use it for chancery

purposes. The two buildings on the subject property measure a total of 32,442 square feet of gross floor area.

The Embassy plans to install a freestanding flagpole and two plaques on the exterior of each of the buildings. Between the two buildings is a courtyard, which, together with the garage located in the connector building, can accommodate 14 cars. The two existing large garage door openings in the connector building will be reconfigured to three smaller openings. These plans were reviewed and approved by the Historic Preservation Review Board at their May 27, 1999 meeting.

The proposed use by the Embassy of Angola will be relatively low in intensity and less than the previous use of the two buildings. The Embassy has 13 diplomats, eight non-diplomatic staff and two drivers assigned to the chancery. One driver is assigned to the Ambassador, and the other driver is available to the other diplomats. The diplomats and staff consist of a total of 23 people. There are no specific plans to increase the number of diplomats and staff in the foreseeable future.

The typical hours of operation of the Embassy are 9:00 a.m. to 5:00 p.m., Monday through Friday. The Embassy has maintained a sign-in log of all visitors and reports that, on average, there is just over one visitor per day. On some days, there are either no visitors or only a Federal Express delivery. On other days, there may be as many as six bicycle messenger visa pick-ups, and one or two non-visa related visits. There are few official diplomatic visits to the Embassy. These numbers are not expected to increase at the new site. Most business with the public, including visa applications, is conducted by mail, telephone, telecopy or messenger. It is expected that most visitors to the Embassy will continue to use taxis and other public transportation. Both the U Street/Cardozo and the Dupont Circle Metrorail Stations are located within walking distance of the subject site. Metrobus service is available in close proximity to the site.

A chancery in the R-5-D District is a permitted use subject to FMBZA disapproval after review based upon the six criteria enumerated in Section 206(d) of the Foreign Missions Act and Section 1001 of the Zoning Regulations.

FOREIGN MISSIONS ACT CRITERIA

In considering the subject application, the Board must apply the specific criteria set forth in Section 1001, et seq., of Chapter 10 of the Zoning Regulations. A chancery is a permitted use in the R-5-D District, subject to disapproval by the Board based on those criteria, which are as follows:

1. Section 1001.2. The international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital.

2. Section 1001.3 and 1001.4. Historic preservation, as determined by the Board in carrying out this Section; and in order to ensure compatibility with historic landmarks and historic districts, substantial compliance with District and federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks.
3. Section 1001.5. The adequacy of off-street or other parking, and the extent to which the area will be served by public transportation to reduce parking requirements, subject to any special security requirements that may be determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services.
4. Section 1001.6. The extent to which the area is capable of being adequately protected, as determined by the Secretary of State after consultation with federal agencies authorized to perform protective services.
5. Section 1001.7. The municipal interest, as determined by the Mayor.
6. Section 1001.8. The federal interest, as determined by the Secretary of State.

EVALUATION

With respect to the above-referenced six criteria set forth in the Zoning Regulations, the Board states as follows:

1. **The International Obligation of the United States:** By letter dated April 1, 1999, the Department of State determined that favorable action on the present application would fulfill the international obligation of the United States to facilitate the acquisition of adequate and secure premises by the Government of the Republic of Angola for its diplomatic mission in Washington.
2. **Historic Preservation:** The two four-story plus basement buildings are located in the Sixteenth Street Historic District, but are not historic landmarks. The historic character of both buildings is an asset to both the neighborhood and to the Embassy, and will be maintained as such. A free-standing flagpole will be located in front of the building at 2108 16th Street, and a plaque and the official seal will also be added to the front of both buildings, as well as minor improvements to the facade of the garage located in the connector building. The Embassy's proposed additions were reviewed and approved by the Historic Preservation Review Board on May 27, 1999. The Board concurs with this approval. Accordingly, there will be no adverse impact on the historic preservation objectives of the District of Columbia.

3. **Parking and Transportation:** The subject property is located in a historic district and is, therefore, exempt from the parking requirements pursuant to Section 2100.5 of the Zoning Regulations. If the parking requirements were applied, the requirement would be one space for each 1200 square feet of gross floor area, or as determined by the Board. The prior child development center and medical clinic uses of the property would have required 71 parking spaces. The proposed use represents a significant reduction in intensity from the prior uses.

There are 14 on-site parking spaces. Additionally, the Embassy can request up to two diplomatic parking spaces on V Street in front of the building. There will be sufficient on-site parking for the chancery's staff.

The chancery receives, on average, just over one visitor per day. Many of these visitors are bicycle messengers. Many forms of business conducted by the public with the chancery are typically done by mail, messenger, telephone or telecopy; thus, there is relatively a small number of visitors to the chancery.

The subject site is well served by public transportation. The site is located four blocks west of the U Street/Cardozo Metrorail Station at 12th and U Streets and within walking distance of the Dupont Circle Metrorail station which is located southwest of the subject site. In addition, there are numerous bus lines traveling in both directions along 16th Street, N.W. Taxis are also readily available along 16th and 17th Streets, N.W., as well as along U Street, N.W.

The Board finds that the proposed chancery use will not create objectionable traffic and parking impacts on the neighborhood due to the relatively small number of personnel, the close proximity of public transportation, and the number of visitors to the building.

By letter dated April 1, 1999, the Department of State indicated that this application meets the requirements of 22 U.S.C. Section 4306(d)(3), in that there exist no special security requirements relating to parking requirements in this case.

4. **Protection:** The Department of State indicated in its letter dated April 1, 1999 that the subject site and the area are capable of being adequately protected.
5. **Municipal Interest:** The Director of the Office of Planning (OP) for the District of Columbia, the delegated representative of the Mayor, by memorandum dated June 7, 1999, determined that the Applicant has met the burden of proof under Section 1001 and 1002 of the Zoning Regulations relative to the location of the proposed chancery in an R-5-D District. OP is of the opinion that, if granted, this application will put the property to a viable use that would not be incompatible with existing uses in the area, and would be less intense than some of the prior uses of the property. OP found that with all issues considered, the proposed

chancery would not be detrimental to the municipal interest, provided that additional landscaping is provided in the parking lot. One neighboring property owner testified in support of the application. There was no opposition to the application, either at the public hearing or in the record. The Board finds that the proposed chancery will be compatible with other uses in the historic district and in the area.

6. **Federal Interest**: By letter dated April 1, 1999, the Department of State has determined that the location of the chancery for the Republic of Angola at 2100 and 2108 16th Street, N.W. is consistent with the federal interest. The United States Embassy in Luanda is actively seeking additional land to expand the security perimeter around its chancery compound and to construct a new, secure chancery in Angola. The success of this project in Angola will be aided by the granting of this application by the Board.

ADVISORY NEIGHBORHOOD COMMISSION

The subject site is located within the boundaries of Advisory Neighborhood Commission (ANC) 1C and across 16th Street from ANC 1B. ANC 1C did not take a formal position in regard to this application. By letter dated June 14, 1999, ANC 1B unanimously recommended approval of the application with the conditions that (i) there will be no new perimeter fencing around the property, (ii) there will be no exterior alterations to the buildings, and (iii) there will be no microwave or special antennas installed on the property. The designated ANC 1B representative testified at the public hearing that the proposed exterior alterations approved by the HPRB and included in this application are acceptable. He also testified that the television antenna equipment on the property is acceptable.

The Board accorded "great weight" to the issues and concerns of the ANC.

DECISION

The Board, on the basis of the record, determined that this application satisfies the criteria set forth in Section 1001 of Chapter 10 of the Zoning Regulations. Accordingly, it is **ORDERED** that this application be **NOT DISAPPROVED** subject to the following **CONDITIONS**:

1. There shall be no new perimeter fencing around the property.
2. There shall be no exterior alterations to the building, except for those approved by the Historic Preservation Review Board.
3. There shall be no microwave or special antennas installed on the property.

4. A planter shall be installed in the interior courtyard, adjacent to the stairway to 2108 16th Street. Evergreen landscaping (such as American Holly or Yew tree) is to be planted to reach a height of six to seven feet.

VOTE: 3-0 (John Parsons, Betty King and Sheila Cross Reid **NOT TO DISAPPROVE THE APPLICATION.**)

BY ORDER OF THE FOREIGN MISSIONS BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


JERRILY R. KRESS, FAIA
DIRECTOR

JUL 27 1999

FINAL DATE OF ORDER: _____

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16456

As Director of the Office of Zoning, I hereby certify and attest that on JUL 27 1999 a copy of the order entered on that date in this matter was mailed first class, postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

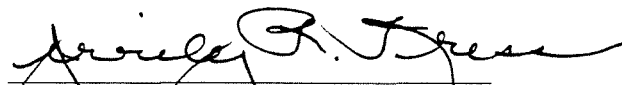
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